

### AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions of claims in the application.

#### Listing of Claims:

1-55 (Cancelled)

56. (Withdrawn) Use of a pluripotent cell that expresses the Hox11 gene in the preparation of a medicament for increasing or maintaining the number of functional cells of a predetermined type in an organ or tissue of a mammal, wherein said organ or tissue is injured, damaged, or deficient in said functional cells.

57. (Withdrawn) The use of claim 56, wherein said pluripotent cell is derived from a pluripotent or totipotent cell transfected with a Hox11 gene.

58. (Withdrawn) The use of claim 56, wherein said pluripotent cell is enriched in cells that do not express CD45.

59. (Withdrawn) The use of claim 58, wherein said pluripotent cell is obtained from the peripheral blood or tissue of a mammal by a method comprising: a) providing from the mammal peripheral blood or tissue containing pluripotent cells; b) separating pluripotent cells from said peripheral blood or tissue; c) separating said pluripotent cells into a first cell population which predominantly expresses CD45 antigen on the surface of said cells and a second cell population which predominantly does not express CD45 antigen on the surface of said cells; and d) selecting said second cell population.

60. (Withdrawn) The use of claim 56, wherein said pluripotent cell is derived from the spleen.

61. (Withdrawn) The use of claim 56, wherein said pluripotent cell is semi-allogeneic.

62. (Withdrawn) The use of claim 56, wherein said pluripotent cell is isogenic.

63. (Withdrawn) The use of claim 56, wherein said organ or tissue is stimulated.

64. (Withdrawn) The use of claim 56, wherein said pluripotent cell presents MHC class I and peptide, wherein said MHC class I has at least one allele that matches an MHC class I allele expressed by said mammal.

65. (Withdrawn) The use of claim 56, wherein said pluripotent cell contains one or more cell surface markers selected from the group consisting of: retinoic acid receptor, estrogen receptor, EGF receptor, CD49b, VLA2, CD41, LFA-1, ITB2, CD29, NTC3 receptor, plasminogen receptor, transferrin receptor, TGF receptor, PDGF receptor, thyroid growth hormone receptor, and integrin beta 5.

66. (Withdrawn) The use of claim 56, said medicament further comprising a second agent that selectively inhibits, removes, or kills a cell population that interferes or prevents the trafficking of, differentiation of, or growth of said pluripotent cell.

67. (Withdrawn) The use of claim 66, wherein said cell population that interferes or prevents the trafficking of, differentiation of, or growth of said pluripotent cell comprises T-lymphocytes.

68. (Withdrawn) The use of claim 66, wherein said second agent is TNF-alpha.

69. (Withdrawn) The use of claim 66, wherein said second agent is a TNF-alpha agonist or a TNF-alpha inducing substance.

70. (Withdrawn) The use of claim 69, wherein said TNF-alpha agonist or TNF-alpha

inducing substance is Complete Freund's Adjuvant (CFA), ISS-ODN, microbial cell wall components with LPS-like activity, cholera particles, E. coli heat labile enterotoxin, E. coli heat labile enterotoxin complexed with lecithin vesicles, ISCOMS-immune stimulating complexes, polyethylene glycol, poly(N-2-(hydroxypropyl)methacrylamide), synthetic oligonucleotides containing CpG or CpA motifs, monophosphoryl lipid A, Bacillus Clamette-Guerin, .gamma.-interferon, Tissue Plasminogen Activator, LPS, Interleukin-1, Interleukin-2, UV light, a lymphotoxin, cachectin, a TNFR-1 agonist, a TNFR-2 agonist, an intracellular mediator of the TNF-alpha signaling pathway, a NF.kappa.B inducing substance, IRF-1, STAT1, a lymphokine, or the combination of TNF-alpha and an anti-TNFR-1 antibody.

71. (Withdrawn) The use of claim 70, wherein said TNF-alpha agonist or TNF-alpha inducing substance is Complete Freund's Adjuvant, Bacillus Clamette-Guerin, or .gamma.-interferon.

72. (Withdrawn) The use of claim 56, wherein said mammal has an autoimmune disease.

73. (Withdrawn) The use of claim 72, wherein said disease is diabetes.

74. (Withdrawn) The use of claim 72, wherein said disease is immunologically-mediated glomerulonephritis.

75. (Withdrawn) The use of claim 72, wherein said disease is chronic hepatitis, primary biliary cirrhosis, or primary sclerosing cholangitis.

76. (Withdrawn) The use of claim 56, wherein said tissue or organ is the pancreas, the salivary gland, the pituitary gland, a kidney, the heart, an olfactory gland, an ear, a bone, the liver, the brain, the peripheral nervous system, the central nervous system, the spinal cord, a mammary gland, or a testes.

77. (Withdrawn) The use of claim 56, wherein said organ or tissue is, or is part of, the pancreas, the spleen, the liver, the kidney, nerve tissue, or the bone.

78. (Withdrawn) The use of claim 77, wherein said organ or tissue is, or is part of, the pancreas.

79. (Withdrawn) Use of a CD45(-) pluripotent cell in the preparation of a medicament for increasing or maintaining the number of functional cells of a predetermined type in an organ or tissue of a mammal, wherein said organ or tissue is injured, damaged, or deficient in said functional cells, with the proviso that said pluripotent cell is not a bone marrow cell or a muscle cell.

80. (Withdrawn) The use of claim 79, wherein said pluripotent cell is selected from the group consisting of: peripheral lymphocyte, cord blood cell, and splenocyte.

81. (Withdrawn) The use of claim 80, wherein said pluripotent cell is a splenocyte.

82. (Withdrawn) The use of claim 79, wherein said pluripotent cell is obtained by a method comprising: a) providing from the mammal spleen tissue containing pluripotent cells; b) separating pluripotent cells from said spleen tissue; c) separating said pluripotent cells into a first cell population which predominantly expresses CD45 antigen on the surface of said cells and a second cell population which predominantly does not express CD45 antigen on the surface of said cells; and d) selecting said second cell population.

83. (Withdrawn) The use of claim 79, wherein said pluripotent cell is semi-allogeneic.

84. (Withdrawn) The use of claim 79, wherein said pluripotent cell is isogenic.

85. (Withdrawn) The use of claim 79, wherein said organ or tissue is stimulated.
86. (Withdrawn) The use of claim 79, wherein said pluripotent cell presents MHC class I and peptide, wherein said MHC class I has at least one allele that matches an MHC class I allele expressed by said mammal.
87. (Withdrawn) The use of claim 79, wherein said pluripotent cell contains one of more cell surface markers selected from the group consisting of: retinoic acid receptor, estrogen receptor, EGF receptor, CD49b, VLA2, CD41, LFA-1, ITB2, CD29, NTC3 receptor, plasminogen receptor, transferrin receptor, TGF receptor, PDGF receptor, thyroid growth hormone receptor, and integrin beta 5.
88. (Withdrawn) The use of claim 79, said medicament further comprising a second agent that selectively inhibits, removes, or kills a cell population that interferes or prevents the trafficking of, differentiation of, or growth of said pluripotent cell.
89. (Withdrawn) The use of claim 88, wherein said cell population that interferes or prevents the trafficking of, differentiation of, or growth of said pluripotent cell comprises T-lymphocytes.
90. (Withdrawn) The use of claim 88, wherein said second agent is TNF-alpha.
91. (Withdrawn) The use of claim 88, wherein said second agent is a TNF-alpha agonist or a TNF-alpha inducing substance.
92. (Withdrawn) The use of claim 91, wherein said TNF-alpha agonist or TNF-alpha inducing substance is Complete Freund's Adjuvant (CFA), ISS-ODN, microbial cell wall components with LPS-like activity, cholera particles, E. coli heat labile enterotoxin, E. coli heat labile enterotoxin complexed with lecithin vesicles, ISCOMS-immune stimulating complexes,

polyethylene glycol, poly(N-2-(hydroxypropyl)methacrylamide), synthetic oligonucleotides containing CpG or CpA motifs, monophosphoryl lipid A, Bacillus Clamette-Guerin,  $\gamma$ -interferon, Tissue Plasminogen Activator, LPS, Interleukin-1, Interleukin-2, UV light, a lymphotoxin, cachectin, a TNFR-1 agonist, a TNFR-2 agonist, an intracellular mediator of the TNF-alpha signaling pathway, a NFkB inducing substance, IRF-1, STAT 1, a lymphokine, or the combination of TNF-alpha and an anti-TNFR-1 antibody.

93. (Withdrawn) The use of claim 92, wherein said TNF-alpha agonist or TNF-alpha inducing substance is Complete Freund's Adjuvant, Bacillus Clamette-Guerin, or  $\gamma$ -interferon.

94. (Withdrawn) The use of claim 79, wherein said mammal has an autoimmune disease.

95. (Withdrawn) The use of claim 94, wherein said disease is diabetes.

96. (Withdrawn) The use of claim 94, wherein said disease is immunologically-mediated glomerulonephritis.

97. (Withdrawn) The use of claim 94, wherein said disease is chronic hepatitis, primary biliary cirrhosis, or primary sclerosing cholangitis.

98. (Withdrawn) The use of claim 79, wherein said tissue or organ is the pancreas, the salivary gland, the pituitary gland, a kidney, the heart, an olfactory gland, an ear, a bone, the liver, the brain, the peripheral nervous system, the central nervous system, the spinal cord, a mammary gland, or a testes.

99. (Withdrawn) The use of claim 79, wherein said organ or tissue is, or is part of, the pancreas, the spleen, the liver, the kidney, nerve tissue, or the bone.

100. (Withdrawn) The use of claim 99, wherein said organ or tissue is, or is part of, the pancreas.

101. (Withdrawn) Use of an agent in the preparation of a medicament for increasing or maintaining the number of functional cells of a predetermined type in an organ or tissue of a mammal, wherein said organ or tissue is injured, damaged, or deficient in said functional cells and said agent induces Hox11-expressing pluripotent cells.

102. (Withdrawn) The use of claim 101, wherein said Hox11-expressing pluripotent cells do not express CD45.

103. (Withdrawn) The use of claim 101, wherein said agent is a gene therapy vector comprising a Hox 11 gene operably linked to a promoter, wherein said vector expresses Hox 11 in said pluripotent cells.

104. (Withdrawn) The use of claim 101, wherein said Hox11-expressing pluripotent cells are not bone marrow cells.

105. (Withdrawn) The use of claim 101, wherein said agent is, or induces in said mammal, a cytokine, chemokine, or growth factor.

106. (Withdrawn) The use of claim 105, wherein said cytokine, chemokine, or growth factor is selected from the group consisting of: epidermal growth factor (EGF), platelet-derived growth factor (PDGF), fibroblast growth factors (FGFs), transforming growth factor-beta (TGF-.beta.), transforming growth factor-alpha (TGF-.alpha.), vascular endothelial growth factor (VEGF), erythropoietin (Epo), insulin-like growth factor-I (IGF-I), insulin-like growth factor-II (IGF-II), interleukins, tumor necrosis factor-alpha (TNF-.alpha.), tumor necrosis factor-beta (TNF-.beta.), interferon-gamma (INF-.gamma.), stromal cell-derived factor-1 (SDF-1), and a colony stimulating factors (CSF).

107. (Withdrawn) The use of claim 101, wherein said organ or tissue is, or is part of, the pancreas, the spleen, the liver, the kidney, nerve tissue, or the bone.

108. (Withdrawn) The use of claim 107, wherein said organ or tissue is, or is part of, the pancreas.

109. (Withdrawn) The use of claim 101, wherein said mammal has an autoimmune disease.

110. (Withdrawn) The use of claim 109, wherein said disease is diabetes.

111. (Withdrawn) The use of claim 109, wherein said disease is immunologically-mediated glomerulonephritis.

112. (Withdrawn) The use of claim 109, wherein said disease is chronic hepatitis, primary biliary cirrhosis, or primary sclerosing cholangitis.

113. (Withdrawn) The use of claim 101, wherein said tissue or organ is the pancreas, the salivary gland, the pituitary gland, a kidney, the heart, an olfactory gland, an ear, a bone, the liver, the brain, the peripheral nervous system, the central nervous system, the spinal cord, a mammary gland, or a testes.

114. (Withdrawn) The use of claim 101, wherein said agent is, or induces in said mammal, a cytokine, chemokine, or growth factor.

115. (Withdrawn) The use of claim 114, wherein said cytokine, chemokine, or growth factor is selected from the group consisting of: epidermal growth factor (EGF), platelet-derived growth factor (PDGF), fibroblast growth factors (FGFs), transforming growth factor-beta (TGF-



.beta.), transforming growth factor-alpha (TGF-.alpha.), vascular endothelial growth factor (VEGF), erythropoietin (Epo), insulin-like growth factor-I (IGF-I), insulin-like growth factor-II (IGF-II), interleukins, tumor necrosis factor-alpha (TNF-.alpha.), tumor necrosis factor-beta (TNF-.beta.), interferon-gamma (INF-.gamma.), stromal cell-derived factor-I (SDF-1), and a colony stimulating factors (CSF).

116. (Withdrawn) The use of claim 101, wherein said organ or tissue is, or is part of, the pancreas, the spleen, the liver, the kidney, nerve tissue, or the bone.

117. (Withdrawn) The use of claim 116, wherein said organ or tissue is, or is part of, the pancreas.

118. (Withdrawn) Use of an agent in the preparation of a medicament for increasing or maintaining the number of functional cells of a predetermined type in an organ or tissue of a mammal, wherein said organ or tissue is injured, damaged, or deficient in said functional cells and said agent induces pluripotent cells that do not express CD45.

119. (Withdrawn) The use of claim 118, wherein said agent is, or induces in said mammal, a cytokine, chemokine, or growth factor.

120. (Withdrawn) The use of claim 119, wherein said cytokine, chemokine, or growth factor is selected from the group consisting of: epidermal growth factor (EGF), platelet-derived growth factor (PDGF), fibroblast growth factors (FGFs), transforming growth factor-beta (TGF-.beta.), transforming growth factor-alpha (TGF-.alpha.), vascular endothelial growth factor (VEGF), erythropoietin (Epo), insulin-like growth factor-I (IGF-I), insulin-like growth factor-II (IGF-II), interleukins, tumor necrosis factor-alpha (TNF-.alpha.), tumor necrosis factor-beta (TNF-.beta.), interferon-gamma (INF-.gamma.), stromal cell-derived factor-1 (SDF-1), and a colony stimulating factors (CSF).

121. (Withdrawn) The use of claim 118, wherein said organ or tissue is, or is part of, the pancreas, the spleen, the liver, the kidney, nerve tissue, or the bone.

122. (Withdrawn) The use of claim 121, wherein said organ or tissue is, or is part of, the pancreas.

123. (Withdrawn) The use of claim 118, wherein said mammal has an autoimmune disease.

124. (Withdrawn) The use of claim 123, wherein said disease is diabetes.

125. (Withdrawn) The use of claim 123, wherein said disease is immunologically-mediated glomerulonephritis.

126. (Withdrawn) The use of claim 123, wherein said disease is chronic hepatitis, primary biliary cirrhosis, or primary sclerosing cholangitis.

127. (Withdrawn) The use of claim 118, wherein said tissue or organ is the pancreas, the salivary gland, the pituitary gland, a kidney, the heart, an olfactory gland, an ear, a bone, the liver, the brain, the peripheral nervous system, the central nervous system, the spinal cord, a mammary gland, or a testes.

128. (Withdrawn) Use of an agent for in the preparation of a medicament for increasing or maintaining the number of functional cells of a predetermined type in an organ or tissue of a mammal, wherein said organ or tissue is injured, damaged, or deficient in said functional cells and said agent selectively inhibits, removes, or kills cell populations that interfere with or prevent the trafficking of, differentiation of, or growth of pluripotent cells.

129. (Withdrawn) The use of claim 128, wherein said agent targets a cell population

deficient in the expression of CD180.

130. (Withdrawn) The use of claim 129, wherein said agent is BCG, LPS, a triacetylated lipopeptide, phenol-soluble modulin, or OspA LP from *B. burgdorferi*, a triacetylated lipopeptide with TLR1 or TLR6, HSP60 with TL4, HSP60, a mannuronic acid polymer, a flavolipin, a tectihuronic acid, neumolysin, fimbriae, surfactant protein A, hyaluronan, heparin sulfate or a heparin sulfate fragment, a fibrinogen peptide, beta-defensin-2, flagellin, or imidazolquinoline,

131. (Withdrawn) The use of claim 128, wherein said pluripotent cells express Hox 11.

132. (Withdrawn) The use of claim 128, wherein said pluripotent cells do not express CD45.

133. (Withdrawn) The use of claim 128, wherein said pluripotent cells are isogenic.

134. (Withdrawn) The use of claim 128, wherein said pluripotent cells are semi-allogenic.

135. (Withdrawn) The use of claim 128, wherein said mammal has an autoimmune disease.

136. (Withdrawn) The use of claim 135, wherein said disease is diabetes.

137. (Withdrawn) The use of claim 135, wherein said disease is immunologically-mediated glomerulonephritis.

138. (Withdrawn) The use of claim 135, wherein said disease is chronic hepatitis, primary biliary cirrhosis, or primary sclerosing cholangitis.

139. (Withdrawn) The use of claim 128, wherein said tissue or organ is the pancreas, the salivary gland, the pituitary gland, a kidney, the heart, an olfactory gland, an ear, a bone, the liver, the brain, the peripheral nervous system, the central nervous system, the spinal cord, a mammary gland, or a testes.

140-145 (Cancelled)

146. (Currently Amended) An isolated cell, wherein said cell expresses Hox 11 and lacks expression of CD45 ~~Hox11-expressing pluripotent cell population, wherein at least 75% of the cells do not express CD45.~~

147. (Cancelled)

148. (Currently Amended) The ~~pluripotent-cell population~~ of claim 146, wherein ~~the cells in said cell expresses population contain~~ one or more cell markers selected from the group consisting of: ~~contains one of more cell surface markers selected from the group consisting of:~~ retinoic acid receptor, estrogen receptor, EGF receptor, CD49b, VLA2, CD41, LFA-1, ITB2, CD29, NTC3 receptor, plasminogen receptor, transferrin receptor, TGF receptor, PDGF receptor, thyroid growth hormone receptor, and integrin beta 5.

149. (Currently Amened) The ~~pluripotent cell population~~ of claim 146, wherein said cell population is obtained from the peripheral blood or tissue of a mammal by a method comprising: a) ~~providing from the mammal peripheral blood or tissue; that contains pluripotent cells;~~ b) ~~separating pluripotent cells from said peripheral blood or tissue;~~ c)

a) separating said pluripotent cells from said peripheral blood or tissue into a first cell population which predominantly expresses CD45 antigen on the surface of said cells and a second cell population which predominantly does not express CD45 antigen on the surface of said cells; and

b)d) selecting said second cell population and further separating Hox11(+) cells from said

second cell population to obtain at least one Hox11(+), CD45(-) cell.

150. (Currently Amended) The pluripotent cell population of claim 149, wherein said method further comprises separating said at least one Hox11(+), CD45(-) cell into population is further purified by separating said CD45(-) pluripotent cells into a third cell population that expresses one of more cell surface markers which predominantly expresses a cell surface marker selected from the group consisting of: retinoic acid receptor, estrogen receptor, EGF receptor, CD49b, VLA2, CD41, LFA-1, ITB2, CD29, NTC3 receptor, plasminogen receptor, transferrin receptor, TGF receptor, PDGF receptor, thyroid growth hormone receptor, and integrin beta 5, and a fourth cell population which predominantly does not express said cell surface marker.

151. (Currently Amended) The pluripotent cell population of claim 146, wherein said pluripotent cell population is obtained derived from the spleen.

152. (Withdrawn) A pluripotent cell transfected with a Hox11 gene, wherein said cell is capable of differentiating into a cell selected from the group consisting of: a pancreatic cell, a spleen cell, a liver cell, a kidney cell, a nerve cell, and a bone cell.

153. (Withdrawn) The cell of claim 152, wherein said cell is capable of differentiating into a pancreatic cell.

154. (Withdrawn) The cell of claim 152, wherein said cell is transfected with a human Hox11 gene.

155. (Withdrawn) The cell of claim 152, wherein said pluripotent cell is derived from the spleen.

156. (Withdrawn) The cell of claim 152, wherein said pluripotent cell is derived from cord blood.

157. (Withdrawn) The cell of claim 152, wherein said pluripotent cell does not express CD45.